## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	) ) 8:11MJ79	
	Plaintiff,	) 0.11W379 )	
	vs.	) ) DETENTION ORDER	
SA	RAH PENNEY,	<i>)</i> )	
	Defendant.	<i>)</i> )	
A.	Order For Detention  After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on April 13, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	Statement Of Reasons For The Detention  The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.		
C.	1512(a)(2)(A) carries a imprisonment; brandishin violation of 18 U.S.C. consecutive sentence of possession of a firearm by § 922(g) carries a maximum (b) The offense is a crime of (c) The offense involves a national control of the	nd includes the following: e offense charged: ntimidation in violation of 18 U.S.C. § maximum sentence of thirty years g a firearm during a crime of violence in § 924(c)(1)(A) carries a mandatory f seven years imprisonment; and the v a convicted felon in violation of 18 U.S.C. um sentence of ten years imprisonment. violence.	
	may affect wheth The defendant hat The defendant hat The defendant hat The defendant hat The defendant of ties. Past conduct of to X The defendant hat	ppears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. loes not have any significant community.	

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ν,	X The defendant has a prior record of failure to appear at court proceedings.  At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence.  Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
	nature and seriousness of the danger posed by the defendant's see are as follows: The nature of the charges in the Indictment, the
circum	nstances and violence used in the commission of the offense, and the after arrest to influence witnesses and destroy and/or secrete
X (5) Rebut	ttable Presumptions
on the 3142( <u>X</u> (a)	ermining that the defendant should be detained, the Court also relied e following rebuttable presumption(s) contained in 18 U.S.C. § e) which the Court finds the defendant has not rebutted:  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:  X (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or (3) A controlled substance violation which has a maximum penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:  (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  X (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous

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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 13, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge